

HOUSE BILL NO. 1805

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions

on _____)

(Patron Prior to Substitute--Delegate Adams, D.M.)

A BILL to amend and reenact §§ 51.5-134 and 51.5-135 of the Code of Virginia, relating to aging services; economic and social need.

Be it enacted by the General Assembly of Virginia:

1. That §§ 51.5-134 and 51.5-135 of the Code of Virginia are amended and reenacted as follows:

§ 51.5-134. Definitions.

As used in this article, unless the context requires a different meaning:

"Access services" means care coordination; care transitions; communication, referral, information, and assistance; options counseling; transportation; and assisted transportation.

"Aging services" means access services, Care Coordination for Elderly Virginians, caregiver services, client services, disease prevention and health promotion services, in-home services, legal assistance, nutrition services, and elder abuse prevention services that are supported with federal and state funds.

"Caregiver services" means counseling services, including individual counseling, support groups, and caregiver training; respite services, including institutional respite and direct respite services; and supplemental services.

"Client services" means emergency services, employment services pursuant to Title III of the Older Americans Act, 42 U.S.C. § 3001 et seq., as amended, health education and screening, long-term care coordinating activities, medication management, money management, public information and education, socialization and recreation, and volunteer programs.

"Economic need" means the need resulting from an income level at or below the poverty line.

26 "In-home services" means adult day care, checking, chore, homemaker, personal care, and
27 residential repair and renovation services.

28 "Long-term care" means any service, care, or item, including a disease prevention and health
29 promotion service, an in-home service, and a case management service that is (i) intended to assist
30 individuals in coping with, and to the extent practicable in compensating for, a functional impairment in
31 carrying out activities of daily living; (ii) furnished at home, in a community care setting, or in a long-
32 term care facility; and (iii) not furnished to prevent, diagnose, treat, or cure a medical disease or condition.

33 "Long-term care ombudsman program" means the program established in Article 13 (§ 51.5-182
34 et seq.).

35 "Nutrition services" means congregate and home-delivered nutrition services.

36 "Social need" means the need caused by noneconomic factors, including (i) physical and mental
37 disabilities, which include developmental disabilities and human immunodeficiency virus; (ii) language
38 barriers; and (iii) cultural, social, or geographic isolation, including that caused by racial or ethnic status,
39 gender identity, gender expression, or sexual orientation that restricts an individual's ability to perform
40 normal daily tasks or threatens such individual's capacity to live independently.

41 **§ 51.5-135. Powers and duties of Department with respect to aging persons; area agencies on**
42 **aging.**

43 A. The Department shall provide aging services to improve the quality of life for older persons in
44 the Commonwealth and shall act as a focal point among state agencies for research, policy analysis, long-
45 range planning, and education on aging issues. In providing aging services, the Department shall prioritize
46 providing services to older persons with the greatest economic or social need. The Department shall also
47 serve as the lead agency in coordinating the work of state agencies on meeting the needs of an aging
48 society. The Department's policies and programs shall be designed to enable older persons to be as
49 independent and self-sufficient as possible. The Department shall promote local participation in programs
50 for older persons, evaluate and monitor aging services, and provide information to the general public. In
51 furtherance of this mission, the Department shall have, without limitation, the following duties to:

52 1. Study the economic, social, and physical condition of the residents in the Commonwealth whose
53 age qualifies them for coverage under the Older Americans Act, 42 U.S.C. § 3001 et seq., or any law
54 amendatory or supplemental thereto, and the employment, medical, educational, recreational, and housing
55 facilities available to them, with the view of determining the needs and problems of such persons;

56 2. Determine the services and facilities, private and governmental and state and local, provided for
57 and available to older persons and recommend to the appropriate persons such coordination of and changes
58 in such services and facilities as will make them of greater benefit to older persons and more responsive
59 to their needs;

60 3. Act as the designated state unit on aging for the purposes of carrying out the requirements under
61 P.L. 89-73 or any law amendatory or supplemental thereto, and as the sole agency for administering or
62 supervising the administration of such plans as may be adopted in accordance with the provisions of such
63 laws. The Department may prepare, submit, and carry out state plans and shall be the agency primarily
64 responsible for coordinating state programs and activities related to the purposes of, or undertaken under,
65 such plans or laws;

66 4. Apply, with the approval of the Governor, for and expend such grants, gifts, or bequests from
67 any source that becomes available in connection with its duties under this section, and may comply with
68 such conditions and requirements as may be imposed in connection therewith;

69 5. Hold hearings and conduct investigations necessary to pass upon applications for approval of a
70 project under the plans and laws set out in subdivision 3, and shall make reports to the U.S. Secretary of
71 Health and Human Services as may be required;

72 6. Designate area agencies on aging pursuant to P.L. 89-73 or any law amendatory or supplemental
73 thereto of the Congress of the United States and to adopt regulations for the composition and operation of
74 such area agencies on aging, each of which shall be designated as the lead agency in each respective area
75 for the No Wrong Door system of aging and disability resource centers;

76 7. Provide staff support to the Commonwealth Council on Aging;

